

Appl. No. 09/921,448
Amdt. Dated: June 19, 2003
Reply to Office Action of December 19, 2002

REMARKS

Applicant wishes to thank the Examiner for reviewing the present application. Amendments have been effected to the claims to further distinguish the present invention from the art cited by the Examiner.

The preferred embodiment of the present invention relates to a moveable chair to be used by a practitioner who is working on a patient while the patient is positioned in a separate, immobile chair. Specifically, the chair allows the practitioner to freely move radially about its base as well as to extend horizontally from the base to any desired position within the reach of the arm. A brake is deployed from the cantilever arm to contact a ground surface. This contact with the ground surface inhibits both radial and horizontal movement of the chair.

The purpose of the releasable brake is that when in a retracted position, the brake remains clear of equipment that may be resting on the floor between the patient and the practitioner. This allows the practitioner to move free of obstruction as well as gives the ability to plant the chair in a particular location while remaining seated, requiring no further effort. The brake opposes normal forces induced by the occupant of the chair and directs these forces to the ground avoiding excessive strain at the cantilever connection.

It is necessary, especially in the field of dentistry to be able to move and adjust positions freely while remaining seated and be able to secure the chair in one place to allow for operations to be performed that may require additional force by the practitioner.

The Examiner has cited a U.S. patent to Farrar as well as a U.S. patent to Wu to reject claim 1 as being anticipated. Farrar shows a dentist's chair with a base, an extendable arm with brake and a seat, however the brake is of a lever type and does not extend from the cantilever arm to a ground surface. Therefore the amended Claim 1 distinguishes the present invention over the reference to Farrar. The Farrar patent does not disclose a brake which is moveable relative to the cantilever arm from a first position that is elevated from the underlying ground surface to a second position in which it contacts the underlying ground surface. It has a brake that includes

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separate levers to engage a brake to stop movement in the radial direction (see B4) and in the horizontal direction (C4).

Similarly, the amended Claim 1 of the present invention distinguishes itself in reference to Wu. The Wu patent shows a chair with a base, extendable arm with braking means and a seat. However the braking means do not include a brake member which is moveable relative to the cantilever arm from a first position that is elevated from the underlying ground surface to a second position in which it contacts the underlying ground surface. In contrast it includes a permanent castor (47) that is in constant contact with the floor for support of the cantilever arm which takes away from what the present invention accomplishes, that is to avoid contact with instruments on the floor while the chair is being moved to the desired position.

The examiner has cited a U.S. patent to Jellinek in combination with the Farrar patent to reject claim 2 as obvious in view of this combination. Claim 1 has been amended to include the elements of claim 2. Jellinek shows a rotatable seat with a prop (23) that supports the seat when in a ground-engaging position. In the disclosure, see page 2 lines 58-62, Jellinek describes that a depression of the seat engages the prop. Therefore, whenever someone is on the seat the prop is engaged and no further movements of the chair can be made. Furthermore, for the prop to be inoperative, the occupant must leave the seated position thus removing pressure from the seat.

Referring to page 2, lines 55-57, Jellinek describes a pin 18 that locks the seat into a position eliminating any further rotational movement. Also, as can be seen from Figure 1, Jellinek does not disclose any horizontal movement. The Examiner considers it obvious to modify Farrar in view of Jellinek. However there is no suggestion of utilising a brake as created in such a combination. Jellinek and Farrar include similar braking means (a lever or pin that locks the arm in place) to prevent rotational movement and therefore a combination of Farrar and Jellinek would result in the same braking mechanism, namely a lever engaging the base to inhibit motion. There is no motivation to utilise the prop of Jellinek in the seat of Farrar. In fact, Farrar teaches against this as Farrar intends the occupant to remain seated while moving the chair and engaging the brake. (see Farrar page 1, lines 50-53 in addition to lines 17-20) Jellinek's prop would prevent this as it would be permanently engaged when the seat is occupied. Both Farrar and

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Jellinek inhibit radial movements with a similar brake. Therefore there is no motivation to incorporate the prop shown in Jellinek in combination with the chair of Farrar, particularly as such a combination does not provide the desired functionality of the Farrar device. That is, the occupant of the chair would have to leave the seated position to swing the prop to an inoperative position which is what the Farrar patent specifically intends to avoid.

By contrast, claim 1 as amended recites a brake member which is moveable relative to the cantilever arm from a first position that is elevated from the underlying ground surface to a second position in which it contacts the underlying ground surface. In the preferred embodiment, this can be accomplished while the seat is occupied, therefore the user would not need to get out of the seat to move it to the desired position and the brake can be applied while the user is seated and at a time desired by the user. 1.8 3.0m

The examiner has cited a U.S. patent to Powell in combination with the Farrar patent to reject claims 9-12. Claim 9 depends from claim 1 which distinguishes over the combination of Farrar and Jellinek. The Powell reference clearly does not show a brake member which is moveable relative to the cantilever arm from a first position that is elevated from the underlying ground surface to a second position in which it contacts the underlying ground surface. Therefore claim 9 as amended by the amended claim 1 distinguishes itself over the combination Farrar and Powell.

Accordingly it is submitted that the amended claim 1 clearly distinguishes the present invention over the anticipated Farrar and Wu references as well as the combination of Farrar and Jellinek and Farrar and Powell suggested by the Examiner, and is believed to be in condition for allowance. Claims 3 through 13 are directly or indirectly dependant upon Claim 1 and are therefore believed to distinguish over the prior art cited by the Examiner.

The Examiner cites a U.S. patent to MacKnight in combination with Farrar to reject claims 14 through 16 as being obvious in view of this combination. The Examiner has suggested that MacKnight teaches of a leveller 115 having an interconnected threaded member. Feature 115 of MacKnight is in fact a set screw for the purpose of securing the stool to the patient's chair. (see column 4 lines 49-53) Claims 14 through 16 are directly or indirectly dependant on claim 1

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therefore the amended claim 1 would clearly distinguish itself over MacKnight in combination with Farrar. It is noted that the MacKnight reference does not include a leveller, however as the leveller is in combination with the amended claim 1, this should not affect the condition for allowance in either situation.

The Examiner has cited the combination of Farrar and Powell, to reject claim 17 in view of this combination. Claim 17 has been amended in incorporate the features of the amended claim 1. Powell fails to show a brake member which is moveable relative to the cantilever arm from a first position that is elevated from the underlying ground surface to a second position in which it contacts the underlying ground surface, a leveller, knee support, securable base to a ground surface, or brake activated to contact the ground surface by tilting the seat. Therefore it is believed that Powell in combination with Farrar fails to include the features claimed in the amended claim 17 and therefore the amended claim 17 is believed to be in condition for allowance.

The Examiner has cited the combination of Farrar and Jellinek, to reject claims 18 through 24 in view of this combination. Claim 18 has been amended such that the brake of claim 18 is engaged by movement of the seat. The seat has a first position in which the brake is not engaged, a second position in which the brake has been engaged, and the seat is moveable between the first and second positions to effectively engage the brake. Claim 18 as amended allows the occupant of the chair to engage the brake while seated and the brake does not engage directly upon the user being seated. Therefore the occupant may move freely while seated and engage the brake when desired by movement of the seat. It is believed that claim 18 as amended clearly distinguishes itself over the prior art cited by the Examiner and is in condition for allowance. Claim 19 has been amended to incorporate the features of the brake of the amended claim 1 and is dependent upon claim 18, therefore claim 19 is believed to be in condition for allowance. Claims 20 through 24 are directly or indirectly dependant on claim 18 and are therefore believed to distinguish over the prior art cited by the Examiner.

The originally filed claim 2 has been cancelled, and the originally filed claim 3 amended, as a result of the amended claim 1.

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The originally filed claims 25 through 28 have been cancelled pursuant to the final action by the examiner.

As discussed above, the claims as amended in the present application are believed to distinguish over the prior art references cited by the Examiner. In view of the foregoing, the Applicant respectfully requests that claims 1 through 28 now standing in the present application are in condition for allowance. Action to that end is respectfully requested.

Applicant requests early reconsideration and allowance of the present application.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

Respectfully submitted for Applicant,


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